

Regular Council Meeting
Monday, May 20, 2024
Council Chambers
6:30 p.m. Caucus- Meeting will immediately follow the Caucus
Live via Facebook@<http://Facebook.com/lackawannany>

Meeting called to order/Pledge of Allegiance.

NB: Meeting is being recorded.

Roll Call: Council: Muflahi, Anderson, Moretti, Surdyke, Marrano
Dept. Heads: Law, Development/Marketing, Public Safety, Assistant Comptroller,
Recreation, Public Works

Hearings from Citizens:

Approval of Minutes: of the regular meeting of May 6, 2024.

Moved by Marrano seconded by Muflahi to adopt minutes of the regular meeting of May 6, 2024.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano Carried 5-0

Departmental Reports:

1. **Assistant City Comptroller** – A/P Check Listing #33, dated 5/3/2024.
2. **City Clerk** – Monthly Report for April, 2024.

Moved by Marrano seconded by Moretti to receive and file Departmental Reports one and two.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano Carried 5-0

Communication from the Mayor:

Submits a Communication to the Council Advising Them the City Assessor Was Discharged From Her Duties for Actions Unbecoming of a City Officer.

3. Honorable Council President
Honorable Council Members
714 Ridge Road
Lackawanna, NY 14218

Honorable Body,

This letter is to advise the Council that the former Assessor, Deborah J Skulski-Wakelam was discharged from the City Assessor duties for actions unbecoming of a City officer, specifically allegedly signing NYS Real Property Tax forms on behalf of another person, without that person's permission/authority. Feel free to contact me, if you have any questions.

Respectfully,

ANNETTE IAFALLO, MAYOR

Moved by Muflahi seconded by Marrano to receive and file.
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from Division/Department Heads:

Requests the City Council Approve the Ordinance Transferring Funds in the Amount of \$200,000.00.

4. Grace Marrano, City Clerk
714 Ridge Road
Lackawanna, NY 14218

Re: Budget Ordinance

Dear Ms. Marrano:

Please put the attached ordinance on the agenda for council approval.

Very truly yours,

JOHN P. GAUGHAN, CITY ATTORNEY

Moved by Marrano seconded by Surdyke to receive and file, act on ordinance.
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AMENDING THE 2023-2024 BUDGET ORDINANCES ADOPTED JUNE 5, 2023.

BE IT ENACTED by the City Council of the City of Lackawanna, New York, as follows:

SECTION 1. That the 2023-2024 Budget Ordinance adopted June 5, 2023, is hereby amended to accommodate a General Fund transfer of funds in the amount of \$200,000.00.

FOR THE GENERAL FUND

SECTION 2. That the 2023-2024 Budget Ordinance is hereby amended to transfer **\$200,000.00** from Budget Code **A.1315.468** ("Software Maintenance") to Budget Code **A.1315.469** ("Consulting").

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: May 22, 2024
Lackawanna, New York

Moved by Marrano seconded by Surdyke to adopt ordinance as written.
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve the Ordinance Regarding No Parking on Fuhrmann Blvd.

5. Grace Marrano, City Clerk

714 Ridge Road
Lackawanna, NY 14218

Re: Fuhrmann Blvd. Parking Ordinance

Dear Ms. Marrano:

Please put the attached ordinance on the agenda for council approval.

Very truly yours,

JOHN P. GAUGHAN, CITY ATTORNEY

Moved by Marrano seconded by Anderson to receive and file, act on ordinance, with thanks to the Director of Development Chuck Clark and Law Department, Attorney Gaughan for a quick response to this newly developed issue.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE
AN ORDINANCE AMENDING CHAPTER 215, TRAFFIC AND VEHICLES, OF THE CITY OF LACKAWANNA
MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 215.43 shall be amended to add the following:

77.a. Fuhrmann Boulevard

On the west and east sides:

No parking from 11:00 p.m. to 7:00 a.m.

No tractor-trailer/commercial vehicle parking allowed.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: May 22, 2024
Lackawanna, New York

Moved by Marrano seconded by Anderson to adopt ordinance as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve the Ordinance Amending Chapter 194, Opening Streets and Sidewalks.

6. Grace Marrano, City Clerk
714 Ridge Road
Lackawanna, New York 14218

Re: Ordinance Amending Chapter 194, Opening Streets and Sidewalks

Dear Ms. Marrano:

Please put the attached ordinance on the agenda for council approval.

Very truly yours,

JOHN P. GAUGHAN, CITY ATTORNEY

Moved by Muflahi seconded by Anderson to receive and file, act on ordinance.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE
AN ORDINANCE AMENDING CHAPTER 194, OPENING STREETS AND SIDEWALKS, OF THE CITY OF
LACKAWANNA MUNICIPAL CODE

BE IT ENACTED by the City Council of the City of Lackawanna, New York that City Code Chapter 194-29 Bond; insurance required, shall be rescinded and replaced with the following:

§194-29. Bond; insurance required

Before any permit to open a street, sidewalk or alley shall be granted by the Commissioner of Public Works and/or his/her designee, the applicant for such permit is required to file with the City Clerk a performance bond in the sum of ten (10%) *per centum* of the project cost with a minimum cost of \$5,000, or such other amount as may be established by the Council to guarantee the replacement and refilling of any excavation pursuant to specifications on file in the office of the Department of Public Works and proof of public liability insurance in such amount and coverage as established by the Council.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: May 24, 2024

Lackawanna, New York

Moved by Muflahi seconded by Anderson to adopt ordinance as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve Clark, Patterson, Lee (CPL) as Project Coordinator for the New City Hall Project. The Total Cost is \$194,290.00. Proposal Letter for Project Coordination Services is Attached.

7. Honorable Council President
Honorable City Council
714 Ridge Road
Lackawanna, New York 14218

Re: New City Hall Project Coordinator.

Dear Respected City Council Members,
The department of Public Works request that the council approve CPL as the project coordinator for the new City Hall project. Total cost of \$194,290,00.
Please see attachment.

Respectfully,
DANIEL GEERCKEN, SENIOR FOREMAN OF PUBLIC WORKS

A copy of the service proposal may be obtained in the City Clerk's office.

Moved by Marrano seconded by Surdyke to TABLE request together with request for Waiver of the Rules for an updated proposal to come later in the meeting.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve the Installation of Temporary Speed Bumps in the Vicinity of Children Play Areas Throughout the City. These Will Be Installed and Removed Seasonally (May-October). Locations for the Speed Bumps Attached.

8. To: City Council
From: Dan Geercken – Senior Foreman

Re: Temporary Speed Bumps

Honorable Council,

I request that the Council approve installation of temporary speed bumps in the vicinity of the children play areas throughout the City. Department of Public Works will install and remove seasonally (May-October).

Please see the attached for locations.

Speed Bump Locations:

First Ward Bethlehem Park:

Beech St. – Playground

Spruce St. – Hockey Court

First Ward:

Lehigh St. – Soccer Field/Playground

Bauder St. – Playground

Second Ward:

Victory Ave. – Playground

Cleveland Ave. – Playground

Center St. – Splash Pad

Clinton St. – Basketball Court

Third Ward:

Vincent Ave. – Playground

Fourth Ward:

Ludel Terr. – Playground

Respectfully,

DANIEL GEERCKEN, SENIOR FOREMAN OF PUBLIC WORKS

Moved by Muflahi seconded by Marrano to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve the Request to Hire 2 New Bingo Inspectors, Kelly Bigaj and Candace Zak, effective Immediately. Inspectors are Paid on a Per Diem Basis, \$100 Per Inspection, Not to Exceed 16 Inspections Per Year. The Money is in the Budget for the 2023/2024 Fiscal Year and Has Been Budgeted for the Upcoming Fiscal Year.

9. Honorable City Council President
Honorable City Council Members
714 Ridge Road
Lackawanna, NY 14218

Dear City Council Members,

I respectfully request your honorable body's authorization to appoint Kelly Bigaj, 76 Winstead Road, Lackawanna, NY and Candace Zak, 273 South Shore Blvd., Lackawanna, NY to the positions of bingo inspector, effective immediately.

We currently have two openings for bingo inspectors. With the hiring of these candidates we will satisfy the number of bingo inspectors necessary to meet the requirements entrusted upon the Clerk's Office by the New York State Gaming Commission.

The annual salary will be on a per diem basis, \$100.00 per bingo inspection, not to exceed 16 inspections per year. Three positions were budgeted for in the 2022-2023 fiscal year and have also been budgeted for in the 2024-2025 fiscal year. These appointments shall expire December 31, 2026.

Thank you for your time and consideration with this matter.

Respectfully,

GRACE MARRANO, CITY CLERK

Moved by Marrano seconded by Moretti to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve the Ordinance to Transfer \$15,000 from the Fire Department Budget Code "Training Schools" to the Capital Budget Code "Training Tower" for the Installation of a Fence Along North Steelawanna to Secure This Property.

10. Lackawanna City Council
Honorable Fred Marrano, President
City Hall – Room 217
714 Ridge Road

Lackawanna, NY 14218

Dear Council Members,

I am requesting to transfer \$15,000 from the Fire Department budget 3410.0467 (Training Schools) to the Capital Budget H-2080-0602-0000 (Training Tower) for the installation of a fence along North Steelawanna to secure the property.

This project was started in 2022 but ran into some unexpected problems with installing the fence posts. Instead of pounding the posts into the ground, the ground has to be drilled for each post due to the makeup of the property where the fence is being installed. This has added to the original cost of the installation.

The Capital budget line H-2080-0602-0000 contains \$18,500 for this project and the additional funds will come from the fire department budget.

If you have any questions please feel free to contact me.

Sincerely,

JAMES FINO, FIRE CHIEF

Moved by Marrano seconded by Moretti to receive and file, act on ordinance.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

ORDINANCE

AN ORDINANCE AMENDING THE 2023-2024 BUDGET ORDINANCES ADOPTED JUNE 5, 2023.

BE IT ENACTED by the City Council of the City of Lackawanna, New York, as follows:

SECTION 1. That the 2023-2024 Budget Ordinance adopted June 05th, 2023, is hereby amended to increase appropriations for the Capital Project entitled "Fire Training Facility 2022 (DASNY)".

SECTION 2. That the 2023-2024 Budget Ordinance is hereby amended to transfer \$15,000.00 from Budget Code A.3410.0467 Fire Department Training Schools to Budget Code A.9000.9550 Transfer to Other Fund – Capital.

SECTION 3. That the 2023-2024 Budget Ordinance is hereby amended to increase Budget Code H.0000.5031 Capital Fund Inter Fund Transfer by \$15,000.00.

SECTION 4. That the 2023-2024 Budget Ordinance is hereby amended to add \$15,000.00 to Budget Code H.2080.0602 Fire Training Facility 2022 (DASNY).

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

Dated: May 22, 2024
Lackawanna, New York

Moved by Marrano seconded by Moretti to adopt ordinance as written.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve the Resolution Regarding the Rezoning of 264 Ridge Road and the Adjacent Vacant Lot.

11. Frederic Marrano, Council President
Lackawanna City Council
City Hall 714 Ridge Road – Room 215
Lackawanna, NY 14218

Re: Resolution – Rezoning of 264 Ridge Road and Adjacent Vacant Lot

Dear Council President Marrano,

Attached is a proposed resolution to rezone 264 Ridge Road and adjacent vacant lot from Open Space to Neighborhood Commercial.

Please place said resolution on the May 20, 2024 City Council meeting agenda for discussion and action.

Regards,

CHARLES D. CLARK, DIRECTOR OF DEVELOPMENT, MARKETING & PUBLIC INFORMATION

Moved by Marrano seconded by Muflahi to receive and file, act on resolution.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 6, 2024

WHEREAS, the Director of Development, supported by a recommendation from the City's Planning and Development Board, makes an application to the Honorable City Council to amend the zoning classification of 264 Ridge Road, Lackawanna (SBL# 141.08-2-9.2) and Ridge Road Vacant Lot (SBL#141.08-2-9.1) from open space to neighborhood commercial; and

WHEREAS, notices of said public hearing to amend the zoning classification of 264 Ridge Road, Lackawanna (SBL# 141.08-2-9.2) and Ridge Road Vacant Lot (SBL#141.08-2-9.1) from open space to neighborhood commercial were duly published in Buffalo Business First, the City of Lackawanna's official newspaper, in the April 26, 2024 edition and duly posted on the City of Lackawanna's website from April 26, 2024 thru May 6, 2024; and

WHEREAS, a public hearing was duly held by the City of Lackawanna's Director of Development and the Mayor of the City of Lackawanna on May 6, 2024 at 5:30 pm, the time and place fixed in the public notice, and all parties in attendance had an opportunity to be heard in relation thereto; and

WHEREAS, no party came forth and objected to amend the zoning classification of 264 Ridge Road, Lackawanna (SBL#141.08-2-9.2) and Ridge Road Vacant Lot (SBL#141.08-2-9.1) from open space to neighborhood commercial and;

WHEREAS, pursuant to NY General City Law §83 which provides the Common Council may from time to time on its own motion or on petition, after public notice and hearing, which hearing may be

held by the council or by a committee of the council or by the planning board, amend the regulations and districts established under any ordinance or local law (adopted pursuant to paragraphs twenty-four and twenty-five of section twenty of this chapter)

BE IT ENACTED, by the City Council of the City of Lackawanna, New York that the zoning classification of 264 Ridge Road, Lackawanna (SBL#141.08-2-9.2) and Ridge Road vacant Lot (SBL#141.08-2-9.1) be changed from open space to neighborhood commercial.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated: May 20, 2024
Lackawanna, New York

A copy of the public hearing notice may be obtained in the City Clerk's office.

Moved Marrano seconded by Muflahi to adopt resolution as written.
Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Communications from Citizens:

Requests the City Council Approve the Use of Lackawanna's Portable Restrooms for the Lackawanna Community Fun Days Event Being Held at the Lackawanna Library on August 23rd and 24th, 2024.

12. Lackawanna City Council
714 Ridge Road
Lackawanna, New York 14218

Dear City Council:

The Lackawanna Community Fun Day Planning Committee would like to ask you once again for your support for this year's Lackawanna Community Fun Day's event. This will be the 9th year of the Lackawanna's Community Fun Day Event.

We are happy to announce we have begun to start planning for Lackawanna Community Fun Day Event 2024. This year we hope to have the city's support once again for this event. As you know this is a two day event, being held at the Lackawanna Library at 560 Ridge Road Lackawanna, New York 14218 on August 23 thru August 24, 2024.

The Lackawanna Fun Day Planning Committee is requesting your approval for the following:

1. The use of the City of Lackawanna's portable restrooms for our event at the Lackawanna Library at 560 Ridge Road.

Enclosed you will receive our 2024 schedule of events. Our goal is to strengthen our partnership with you and make you a part of our event. The City of Lackawanna's residents have shown an interest in seeing this event grow and we plane to work with the community to make sure it continues to be a success.

The purpose of Lackawanna Community Fun Day is to provide the community with a safe and fun environment to celebrate our community and its diversity while giving Lackawanna's youth the opportunity to access important resources and information to improve their quality of life. Your support is critical and we would not have been successful without your support of our past events and we hope to continue working with you for years to come.

Sincerely,

JOHN INGRAM, CHAIRMAN

Moved by Marrano seconded by Moretti to approve request, refer to Public Works.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Submits 3 Items for Discussion: Gas Station on Ridge Road, Upcoming Traffic Light in the 1st Ward and Bus Stop in Front of Key Bank.

13. Lackawanna City Council
214 Ridge Road
Lackawanna, NY 14218

I would like a few minutes to talk about Fun day. I also would like to ask some questions about a few items such as:

1. The gas station on Ridge Road which has not opened in 7 years
2. Upcoming light in the 1st Ward
3. Bus stop in front of Key Bank

JOHN INGRAM, RESIDENT

Moved by Marrano seconded by Moretti to receive and file.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests to Waive the Rules:

Moved by Marrano seconded by Muflahi to waive the rules.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve the Bond Resolution for the City Hall Capital Improvements Project in the Amount of \$14,500,000.00. Bond Resolution is Attached.

Lackawanna City Council
714 Ridge Road
Lackawanna, NY 14218

Re: Bond Resolution for New City Hall

Hon. City Council:

I am requesting that your honorable body waive the rules at the next council meeting to pass the attached Bond Resolution for the City Hall Capital Improvement project.

Very truly yours,

JOHN P. GAUGHAN, CITY ATTORNEY

A copy of the Bond Resolution may be obtained in the City Clerk's office.

Moved by Marrano seconded by Muflahi to TABLE Bond Resolution.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve a Second Extension (of One Week) for Submission of the Proposed Budget. With the Resignation of the Comptroller and the Integration of the Accounting Firm to Audit the Accounts for the Current Fiscal Year; an Additional Week is Required to Complete the Reconciliation of Accounts. The Second Extension of One Week Will Be the Close of Business on May 24, 2024.

Lackawanna City Council
714 Ridge Road
Lackawanna, NY 14218

Council President and Honorable Council:

On May 1, the Mayor's Office requested a one (1) week extension of time until May 17, 2024 to submit a proposed budget for the Council's consideration. The reasons provided at the time of the request included: the recent resignation of the Comptroller, the audit to begin May 13, the complete reconciliation of accounts for the current fiscal year, and the integration of the outsource accounting firm assisting the City in the same. The Council granted the request for the extension.

Notwithstanding the additional week, and the diligent efforts by the Comptroller's Office, humbly, I am writing on behalf of the Mayor to request an additional one (1) week extension or until close of business on May 24, 2024 for the very same reasons previously explained.

Second, I humbly request the waiver of the rules to include this correspondence on the May 20, 2024 Council agenda.

Please contact me/us with any questions.

Respectfully submitted,

JOHN P. GAUGHAN, CITY ATTORNEY

Moved by Marrano seconded by Muflahi to approve request.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Tabled Items:

Council President Marrano requests that the Outdoor Concert Request TABLED at the May 6, 2024 Council meeting be removed from the TABLE.

Moved by Marrano seconded by Muflahi to remove from TABLE the outdoor concert request from the Lackawanna Public Library.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Requests the City Council Approve a Series of Summer Concerts During the Months of July and August and that Outdoor Performance Permits be Granted. Concerts Will Take Place on Tuesday Evenings from 6 to 7:30 p.m.

Lackawanna City Council
714 Ridge Road
Lackawanna, New York 14218

Dear Members of the Lackawanna City Council,

The Lackawanna Public Library is planning to host a series of summer concerts during July and August of 2024. I am writing to request that outdoor performance permits be granted to the Lackawanna Public Library on the following dates: July 16th, July 30th, August 13th and August 27th.

All concerts will take place on Tuesday evenings from 6 – 7:30 PM during library open hours.

Please let me know if you need any additional information and thank you for all that you do to support the Lackawanna community.

Gratefully,

PAMELA EDHOLM, LIBRARY DIRECTOR

Moved by Marrano seconded by Moretti to approve request, refer to Public Works and Public Safety

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Old Business:

Adjournment:

Moved by Marrano seconded by Anderson to adjourn meeting.

Yeas: Muflahi, Anderson, Moretti, Surdyke, Marrano

Carried 5-0

Frederic J. Marrano-Council President

Grace Marrano - City Clerk

Persons wishing to speak before the City Council shall provide their name, address and limit their comments to three (3) minutes on agenda items only. Please direct any comments to the Council President. To place an item on the agenda, persons shall submit their correspondence to the City Clerk's Office in a signed letter or via email (cityclerk@lackny.com) with full address and phone number contained therein, and must be received PRIOR to 12:00 noon on the Wednesday preceding the meeting. The City Council has the final approval of all agenda items. If attending the meeting in person, please silence your cell phones and gentlemen remove your hats. Commentary and actions shall always be respectful of the City Council, Department Heads and fellow citizens or you will be escorted from Chambers.

www.lackawannany.gov